

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Health, Medical & Family Welfare Department - Termination of services of Orosol Daily Wage Workers - Judgment of the Hon'ble High Court of A.P. in W.P.No.6886/1999 - Compensation to the 14 Orosol Daily Wage Workers under the provisions of I.D. Act, 1947 – Permission Accorded – Orders – Issued.

HEALTH, MEDICAL & FAMILY WELFARE (L.1) DEPARTMENT

G.O.Rt.No. 736

dated. 27.05.2010

Read the following:-

1. G.O.Rt.No.143, HM & FW (L.1) dept., dt.1.2.1999.
2. From the Director, IPM, Hyderabad, Lr.No.882/(Plg.D)/T2/1999-2009, dt. 31.12.2009.

ORDER:

1. In the reference 2nd read above, the Director, Institute of Preventive Medicine, Public Health Labs & Food(Health) Administration., Hyderabad has Stated that orders were issued in the reference first read above, that Government had decided to wind up the Orosol unit and terminate the services of all 14 women workers of Orosol Unit under the Industrial Disputes Act, 1947”.

2. Smt. D.Chandra Kala and 13 others (Orosol Workers) filed W.P.No.6886/1999 before the Hon'ble High Court of A.P. The Hon'ble High Court passed orders Dt. 2.4.1999 in WPMP.No.8577 of 1999 in W.P.No.6886/1999 as follows:

“There shall be interim directions to respondents to continue the petitioners’ services pending further orders.”

3. In view of the above orders passed by the Hon'ble High Court of A.P. dt.2.4.1999 in WPMP.No.8577 of 1999 in W.P.No.6886/1999 the petitioners continued to work. The Hon'ble High Court of A.P., passed final orders dt. 26.2.2008 in W.P.No.6886/1999 that:

“Since the respondents have stated in the counter-affidavit and in the impugned G.O. that on closure of the Orosol Unit the services of the petitioners shall be terminated in accordance with the procedure contemplated under the provisions of the I.D. Act, the only relief that the petitioners can be granted in this Writ Petition is that their services be continued till their services are terminated in accordance with the applicable provisions of the I.D, Act. Needless to state that if the Government, on its own accord, chooses to regularize the services of petitioners herein, this order shall not preclude them from doing so.”

4. She has stated that in response to their office Lr.Rc.No.882/(PlgAD)/T2/1999-2008 dated 06.05.2008, the Commissioner of Labour, Hyderabad has enlightened the procedure to be followed for payment of retrenchment compensation in termination of 14 daily wage women of Orosol Unit under the terms and conditions under Sec.25-F of Industrial Dispute Act, 1947 vide his letter No.C2/6982/2008 dated.12.06.2008:-

“25-F Conditions Precedent to retrenchment of workmen:- No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

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- a) the workman has been given one months notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workmen has been paid in lieu of such notice, wages for the period of notice.
- b) The workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay (for every completed year of continuous service) or **any part thereof on excess of six months**; and
- c) Notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette)

5. The Government of A.P. has fixed the minimum wage as **Rs.80/- per day** to be paid to each Casual Labourer vide G.O.Ms.No.179, dated: 03.07.2008 of Finance (PC-III) Department. On calculation of the compensation as per the procedure laid down under Section 25-F (b) of Industrial Dispute Act, 1947, the total amount of Rs.4,38,000/- (Rupees four lakhs thirty eight thousand only) is required for payment to 14 daily wage women of Orosol Unit.

6. The Director, Institute of Preventive Medicine, Public Health Labs and Food(Health) Administration., Hyderabad has requested the Government for according additional funds of Rs.4,38,000/- (Rupees four lakhs thirty eight thousands only) to enable to give notice and arrange payment of compensation in terms of Sec.25-F of the Industrial Dispute Act, 1947 and to comply with the orders issued in G.O. Rt.No.143, Health, Medical and Family Welfare (L1) Department, dated 1.2.1999 regarding termination of the services of the Orosol Daily Wage under the Industrial Disputes Act, 1947.

7. After careful examination of the matter, Government hereby accord permission to the Director, Institute of Preventive Medicine, Hyderabad for payment of Rs.4.38 lakhs (Rupees four lakhs thirty eight thousands only) towards retrenchment compensation to the 14 (Fourteen) daily wage Orosol workers of Institute of Preventive Medicine mentioned in the Annexure appended to the G.O., subject to meet the expenditure from the available provision of Institute of Preventive Medicine.

8. The Director, Institute of Preventive Medicine, Hyderabad shall take further action accordingly to give notice and arrange to pay the compensation in terms of Sec.25-F of the Industrial Dispute Act, 1947 to the 14 Orosol Workers.

9. This order issues with the concurrence of Finance (Exp.M&H,II) Department vide their U.O.No.4760/72/A2/Exp.M&H.II/10, dt.30.4.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.P.V.RAMESH
SECRETARY TO GOVERNMENT

To
The Director, Institute of Preventive Medicine, Public Health Labs and
Food(Health) Administration., A.P., Hyderabad.
Copy to: The Finance (Expr.M&H.II) Department.
SF.SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER